

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE: AUTOMOTIVE PARTS ANTITRUST LITIGATION	:	Master File No. 12-md-02311 Honorable Marianne O. Battani
In Re: All Auto Parts Cases	:	
	:	
THIS DOCUMENT RELATES TO:	:	
All Wire Harness Cases	:	2:12-cv-00100-MOB-MKM
All Auto Parts Cases	:	2:12-md-02311-MOB-MKM

**WIRE HARNESS DEFENDANTS'¹ OPPOSITION TO THE AUTO DEALERS' AND
END PAYORS' MOTION FOR EXTENSION OF TIME TO RESPOND TO
DEFENDANTS' MOTIONS TO MODIFY THE JUNE 18 ORDER**

The Court should deny the auto dealers' and end payors' motion. Neither set of plaintiffs needs 24 days to address the issues that defendants raised in their motions to modify Master Esshaki's June 18, 2015 order ("June 18 Order"). They have had more than enough time to prepare to respond to defendants' motions. Plaintiffs agreed to an expedited briefing schedule, and their proposed schedule will cause more unnecessary delay.

None of the topics that defendants raised in their motions are new. The number and duration of auto dealer depositions (the primary focus of the wire harness defendants' motion) is a topic that the parties have discussed now for nearly 18 months. It has been the subject of extensive negotiations and briefed, re-briefed, and argued multiple times. Similarly, the end payors have known for months that defendants in the later cases believe that 7 hours is not nearly enough time to address all of the topics that all defendants in all cases would need to address

¹ "Wire Harness Defendants" refers to the defendants listed in footnote 1 of Wire Harness Defendants' Objections to, and Motion to Modify, Master Esshaki's June 18, 2015 Order (No. 2:12-md-02311, ECF No. 1008).

with each end payor. And plaintiffs have known since early May, when Master Esshaki first indicated that he believed that the Court wanted defendants to provide a list of topics to plaintiffs in advance of Rule 30(b)(1) depositions, that defendants strongly disagree with that ruling.

Moreover, defendants specifically requested *expedited* briefing of any objections to Master Esshaki's order during a meet and confer on June 11, 2015, as the parties were finalizing the draft of that order, *and the auto dealers and end payors agreed.*² June 18 Order at 3; *see Exhibit 1.* Thus, they have known for more than two weeks already that defendants would file objections, and that, according to the schedule to which they agreed, they would have 10 days to respond. They could have begun drafting their arguments on these issues weeks ago, just as defendants did.

Plaintiffs claim that they were surprised by defendants' filings because defendants filed more than one motion, and their briefs were lengthy,³ detailed, and supported by evidence and expert testimony (Pls.' Motion at 9). But plaintiffs knew on June 11 when the parties discussed an expedited briefing schedule that Master Esshaki's order would bind all fifty defendants in all thirty cases. They knew full well – because defendants have told them repeatedly – that not all defendants in these thirty cases have the same views, interests, or objectives. They also knew that the rulings that they were advocating would significantly limit discovery that defendants

² Defendants requested that plaintiffs consent to modify the existing schedule for appealing one of Master Esshaki's orders from 21 days to 14 days for “[a]ny party” to raise objections, and 14 days to 10 days for responses to those objections. Plaintiffs agreed to defendants’ proposed briefing schedule. They did not condition their approval on the number, length, or content of the objections, or the number of “business days” that the 10-day deadline might span.

³ The end payors and auto dealers complain about the length of defendants’ briefs. But the briefs complied with the Court’s instructions for filings in the auto parts cases. To the extent that plaintiffs have a different understanding regarding the page limits for motions, they should seek the Court’s guidance at the next hearing. Moreover, at plaintiffs’ request, defendants agreed that plaintiffs’ responses may be a total of 60 pages – 10 pages longer than defendants’ opening briefs.

need to defend themselves in these cases. Counsel for the end payors and auto dealers are extremely experienced antitrust counsel; they should have expected that defendants would vigorously challenge those rulings.

The Court should require the end payors and auto dealers to comply with the expedited briefing schedule *to which they agreed more than two weeks ago*, deny their motion for a new, significantly longer schedule, and grant defendants' motion for an expedited hearing (No. 2:12-md-02311, ECF No. 1012) so that the Court can resolve these disputes that have now been holding up depositions for nearly six months.

Respectfully submitted,

Date: June 26, 2015

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CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2015, I caused the foregoing WIRE HARNESS DEFENDANTS' OPPOSITION TO THE AUTO DEALERS' AND END PAYORS' MOTION FOR EXTENSION OF TIME TO RESPOND TO DEFENDANTS' MOTIONS TO MODIFY THE JUNE 18 ORDER to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

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